

QUESTION PERIOD NOTE

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2016-004376

Question Period Note

IMPLANTING GPS TRACKING DEVICES

ISSUE:

City Council in William Lake, BC adopted a resolution to have high risk and prolific offenders implanted with a GPS microchip device to track their movements.

PROPOSED RESPONSE:

- There are a range of tools currently available to assist federal and provincial officials in supervising and monitoring offenders and others who pose specific risks to the community, including electronic monitoring.
- Under the *Corrections and Conditional Release Act* (section 57.1), the law permits the Correctional Service of Canada to demand that an offender wear a monitoring device in order to monitor their compliance with a condition of release.
- Under the *Criminal Code* (sections 810.01, 810.1 and 810.2), a person may be required to wear an electronic device as part of the conditions imposed by a court in a recognizance.

BACKGROUND:

Media reported that the City Council in Williams Lake, B.C. has voted unanimously in favour of a motion to support tracking criminals' movements 24 hours a day by implanting microchips into their arms.

There is no legislation in Canada requiring the implantation of microchips in persons.

s.23



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Shea, Ryan

From: Hoover, Doug
Sent: 2016-Feb-25 3:09 PM
To: Morency, Carole
Cc: Glushek, Phaedra
Subject: RE: Language needs - offenders and GPS

FYI:

Yes, I think it is fair to say this is a CSC operational issue, even though there is express Criminal Code authority for a court to impose conditions for "electronic monitoring" for individuals of high risk to offend (i.e. s810.01. .1 & .2 peace bonds). There is also arguably a residual authority for EM conditions for probation (s. 732.1), bail (s. 515) and conditional sentences (eg s. 742.3 (f) court may impose "any other reasonable conditions desirable for securing the good conduct of the offender".)

I am not aware of cases where courts have imposed EM for probation, but I am aware that in B.C., for example, they do obtain EM conditions in under s. 742(3) Conditional Sentences. BC also uses EM under s. 810.2 for some higher risk offenders in the community.

There is also authority for EM conditions under federal (CCRA) and provincial corrections legislation. CSC recently began implementing an electronic monitoring project in B.C. and other jurisdictions, although it is a very selective 'pilot project' only for Long term Offenders and rarely used (so far just a handful).

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From: Valin, Martine
Sent: Thursday, February 25, 2016 2:36 PM
To: Wong, Normand; Bernier, Anny; Hoover, Doug; Villetorte, Matthias; Di Manno, Andrew
Subject: FW: Language needs - offenders and GPS

FYI

Martine

From: Morency, Carole
Sent: February 25, 2016 2:35 PM
To: Gauthier, Julie; * SADMO/Admin; * CLP SGC/Office
Cc: Hoover, Doug
Subject: RE: Language needs - offenders and GPS

This is a CSC issue – they already have it.

From: Gauthier, Julie
Sent: Thursday, February 25, 2016 1:28 PM
To: * SADM/Adm; * CLP SGC/Office
Subject: FW: Language needs - offenders and GPS
Importance: High

Would you have any info on this?

Julie Gauthier
Phone: 613-948-2998
Berry: 613-897-4722
julie.gauthier@justice.gc.ca

From: Gauthier, Julie
Sent: February 25, 2016 1:20 PM
To: Budgell, Alexandra; Baker, Christine; Ihsanullah, Uzma
Cc: Picard, Mariane C.
Subject: Language needs - offenders and GPS
Importance: High

Bonjour,

Sorry for the last minute request!

Can lines be provided on the article below, as soon as possible? A full briefing not will be needed by COB today.

Can you also please confirm who will take the pen PSDI or PLS?

Merci!

VANCOUVER - A British Columbia community hopes to take the extraordinary measure of injecting high-risk and prolific offenders with GPS tracking devices in order to curb a crime problem.

City council in Williams Lake has voted unanimously in favour of a motion to support tracking criminals' movements 24 hours a day by implanting microchips into their arms.

Coun. Scott Nelson says the technology can be purchased from a U.S. company and the city will seek federal and provincial approval to use the device on people designated high-risk or prolific offenders by the RCMP.

Nelson says a recent incident involving a man who stole a teen's bike at gunpoint in a local park highlights the need for strong action to help his community feel safer.

Williams Lake RCMP Insp. Milo MacDonald says he appreciates the city's efforts to tackle crime but he's not aware of any law that would allow officers to use the microchips.

Micheal Vonn of the B.C. Civil Liberties Association says the idea is a non-starter that the **>federal government<** would never approve it on constitutional grounds.

(The Canadian Press)

Sent from my BlackBerry 10 smartphone on the Rogers network.